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Message Text

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20
ORIGIN COME-00

INFO OCT-01 FEA-02 AGR-20 CEA-02 CIAE-00 DODE-00 EB-11

FRB-03 H-03 INR-11 INT-08 L-03 LAB-06 NSAE-00 NSC-07

PA-04 RSC-01 AID-20 CIEP-03 SS-20 STR-08 TAR-02

TRSE-00 USIA-15 PRS-01 SP-03 OMB-01 SWF-02 ISO-00

/157 R

DRAFTED BY COMMERCE: D.FELLMAN:CEJ
APPROVED BY STR: J.A.MCNAMARA
AGRICULTURE: D.WANAMAKER
COMMERCE: F.MONTGOMERY
DEFENSE:J.DARLING
INTERIOR: L.MASON
LABOR: J.COYLE
STATE: W.ADAMS
TREASURY: W.BARREDA
---------- 124084
R 302118Z AUG 74
FM SECSTATE WASHDC
TO USMISSION GENEVA
INFO AMEMBASSY WELLINGTON

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E.O. 11652: N/A
TAGS: ETRD, GATT, SZ, NZ
SUBJECT: GATT ARTICLE XXVIII NEGOTIATIONS - NEW ZEALAND
REFERENCES: (A) GENEVA 5110; (B) STATE 168739; (C) GENEVA
5143

1. REMOVAL OF 17.5 PERCENT BOUND MFN DUTY UNDER PREVIOUS
B TN 82.02.011 AND REPLACEMENT, EFFECTIVE JULY 1, 1974, BY
FREE ENTRY UNDER NEW BTN 82.02.012, SUBJECT TO #SUCH HIGHER
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RATE OF DUTY AS THE MINISTER MAY IN ANY CASE DECIDE" CREATES

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POSSIBILITY OF MINISTER IMPOSING DUTIES EVEN HIGHER THAN
BOUND RATE OF 17.5 PERCENT. PRINCIPLE OF MINISTERIAL
DISCRETION INVOLVED HERE IS ANALOGOUS TO THAT DISCUSSED
IN REF B AND C ABOVE. WHILE WE WELCOME NZ CATEGORICAL ASSUR-
ANCE THAT BLADES OF TYPE SHIPPED BY US WILL NOT BE SUBJECT
TO MINISTERIAL DISCRETION TO APPLY DUTIES, NEVERTHELESS THE
DANGER DOES EXIST AND SO WE WOULD REQUIRE MORE FORMAL
COMMITMENT THAT 17.5 PERCENT BOUND RATE WILL NOT BE BREACHED.

2. IN VIEW OF ASSURANCE NOTED ABOVE, EASIEST SOLUTION WOULD
APPEAR TO BE FOR GNZ TO DELETE DISCRETIONARY POWERS FROM
NEW BTN 82.02.012 CURRENTLY IN EFFECT AND BIND THE NEW FREE
RATE. ALTERNATIVELY, WE COULD ACCEPT CEILING BINDING OF
17.5 PERCENT OR LESSER RATE ON MINISTERIAL DISCRETION TO
IMPOSE DUTY IN LIEU OF FREE ENTRY.

3. MISSION REQUESTED PROPOSE TO NEW ZEALAND REPS
ALTERNATIVE SOLUTIONS DESCRIBED PARA 2 ABOVE. IF GNZ
AGREES, US WILL NOT SEEK ARTICLE XXVIII COMPENSATION. INGERSOLL

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